

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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BARRY E. KIRBY II, :  
Plaintiff :  
v. : CIVIL ACTION 10-3425  
MICHAEL J. ASTRUE, :  
COMMISSIONER OF THE :  
SOCIAL SECURITY ADMINISTRATION :  
Defendant :  
\_\_\_\_\_  
: MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**FILED**

JUL 11 2011

ORDER

AND NOW, this 15 day of July, 2011, upon  
consideration of Plaintiff's Brief and Statement of Issues in  
Support of Request for Review, and Defendant's Response thereto,  
and after careful review of the Report and Recommendation of  
United States Magistrate Judge Arnold C. Rapoport, IT IS ORDERED  
that:

1. the Report and Recommendation is APPROVED and  
ADOPTED; and
2. Plaintiff's Request for Review is GRANTED.
3. this matter is REMANDED to the Commissioner of  
Social Security for further consideration.

BY THE COURT:

Thomas N. O'Neill  
Thomas N. O'Neill, J.